

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERIC A. ELLIOTT (p/k/a FLY HAVANA),

Plaintiff,

v.

JOSEPH ANTHONY CARTAGENA (p/k/a FAT JOE), et al.,

Defendants.

Case No. 1:19-cv-01998 (NRB)

DECLARATION OF ANDREW D. KUPINSE

ANDREW D. KUPINSE declares as follows:

1. I am an attorney duly admitted to practice law in the State of New York and the State of Connecticut. I am a principal of the law firm Cummings & Lockwood, LLC.
2. I submit this declaration in connection with the Letter from Eleanor Lackman to the Honorable Naomi Reice Buchwald, U.S.D.J., dated March 18, 2021, apprising the Court as to Defendants' efforts to obtain evidence from non-party Elis Pacheco ("Pacheco") regarding the whereabouts of an executed "work for hire" and assignment agreement between defendant Joseph Anthony Cartagena (p/k/a "Fat Joe," hereinafter referred to as "Mr. Cartagena") (the "Agreement").
3. I am fully familiar with the facts stated herein from my personal knowledge, and if called to testify, could testify competently thereto.
4. I am and have been Mr. Cartagena's attorney since 2016.
5. Annexed hereto as **Exhibit 1** is a true and correct copy of email correspondence I had with Mr. Pacheco on or about March 11, 2019 regarding the whereabouts of the Agreement.

6. Aside from discussions relating to the Agreement, my communications with Mr. Pacheco also involved unrelated matters and contain confidential material that is irrelevant to this case. In light of this, the annexed Exhibit 1 is submitted on a redacted basis.

7. Nothing that has any relevance to this action, including anything related to the Agreement, is redacted.

8. If the Court, however, believes it needs to see Exhibit 1 in unredacted form, I respectfully request that the Court review it *in camera* in light of its commercial sensitivity.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 17, 2021
Wilton, Connecticut



ANDREW D. KUPINSE